

Lincoln Chamber of Commerce, the Blair Chamber of Commerce, Dorsey Labs, AT&T, Brunswick Corporation. Why? Because there is a hard economic fact out there. Either you break the law and you do illegal dumping and maintain a permanent personal liability, or you be a good citizen and you have a very expensive process of sending this hazardous waste to somebody else's dump. It is the devil and the deep blue sea. The approach that we suggest here and the Task Force developed was one of early public intervention, one of scientific review, one of local board determination, but then the power to override the local board's decision with a regional site review committee that would see whether or not the local board was arbitrary and capricious in their decisions. It's based on a hard economic fact that explains why the business interests would agree to such a bill. The last thing that's of value in here, you will find a schematic diagram of the decision-making process, you will find some of the explanatory material by the Task Force that developed the bill, a summary of how it plays out, some letters of recommendation and, ultimately, an interesting case called ENSCO Inc. versus Dumas. This is the Eighth Circuit Court of Appeals, the circuit court that Nebraska is in. The circuit judge, Judge Fagg, reviewed an action by a county in which the county established some language in which they tried to ban storage treatment and disposal inside the city, I'm sorry, inside the county, and the federal court said, huh-uh, can't do it. Federal law has preempted this area enough that a local board is incapable of banning disposal, storage or treatment inside its boundaries. It is possible that if that theory becomes law and generally enacted, that even if we wanted to resist the notion of some kind of state-based review, we would be unable to do so because of the parameters of federal law. LB 114 stands between us and federal preemption of this area. It allows for local input, local hearings, lots of notice, a chance for compensation and negotiation and lots of discussion. It is why environmental groups agree with industry groups that 114 is a good bill and I urge its advancement this afternoon. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the Landis motion to advance the bill? Senator Johnson. Senator Rod Johnson, followed by Senators Schmit and Scofield.

SENATOR R. JOHNSON: Mr. Speaker and members, once again I will rise to reiterate some of the comments I made on the committee amendments. I have but one question to ask the principal introducer, Senator Landis, if he would respond, please.